**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.6190 OF 2005**

Gurav Ramakrishna Gawda. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Ms.Anjali Patil for the Applicant.

Ms.S.D.Shinde, A.P.P. for the Respondent.

**CORAM : ABHAY S. OKA, J.**

**DATED : 5th October, 2005.**

**P.C.:**

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the State.

2. Offence registered against the Applicant and co-accused is under sections 302, 324, and 34 of the Indian Penal Code. The Application made by the Applicant after filing of the charge sheet before the Sessions Court has been rejected mainly on the ground that considering the strained relationship between the witnesses and the accused, there is every possibility of the accused tampering with the prosecution witnesses.

3. After having heard the learned Advocates appearing for the parties, I find that a case is made out for enlarging the Applicant on bail. On a plain reading of the prosecution case, it is apparent that the co-accused assaulted the deceased repeatedly by knife.

In fact the specific allegation is that the co-accused assaulted the deceased repeatedly by knife and he assaulted the first informant by knife on his head. The allegation against the Applicant is that he was present along with the co-accused at the spot and after the deceased fell down, he gave a kick blow to the deceased.

4. A perusal of the post-mortem notes shows that almost all the injuries have been caused by the attack made by the co-accused by knife. The learned A.P.P. submitted that the Applicant is from State of Karnataka and he has no fixed place of abode in Mumbai. As held by the Apex Court, this is not a ground to deny bail as the presence of the Applicant can be ensured by imposing stringent conditions.

5. Hence the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.70 of 2005 registered at Kurar Police Station, Mumbai, subject to furnishing a personal bond of Rs.15,000/- with one or two local sureties.

(ii) The bail is granted subject to condition that the Applicant will report to the Investigating officer at 11.00 a.m. on

every Saturday till conclusion of trial.

(iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

(vii) The parties to act upon an authenticated copy of this order.

**Judge.**